REMARKS

Claims 22-32 and 34 were pending in the application and all were rejected. Claims 22, 24, 25, 28 - 30, 32, and 34 are currently amended. Support for the claim amendments can be found in Applicant's disclosure as published in United States Patent Publication No. 2006/0168104, specifically at paragraphs [0174], [0181], and [0199]. Applicant respectfully requests reconsideration.

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CLAIM REJECTIONS UNDER 35 USC 112

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The Office Action rejected claim 22 because of an antecedent basis problem. This problem has been corrected by amendment.

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CLAIM REJECTIONS UNDER 35 USC §103

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The Office Action rejected claims 22, 24, 29-32, and 34 under 35 USC 103(a), as being unpatentable over Monteiro et al. (6,434,622) in view of Patrick et al. (US 5,790,541), in further view of Hudson et al. (US 20030204613), and in further view of Shibata et al. (US 20010018772).

Claim 22 has been amended to change 'list' to 'updatable list. Support for this amendment can be found in paragraph [0199]: "The clients 20a to 20c in the group #1, which received the NEW MEMBER notifications, update the member lists and register the new client 20f as a distribution destination of the copy packets." Monteiro does not teach such a list. In column 6 lines 53-55, Monterio teaches how the "Media Server would then simply transmit packets using the appropriate IP destination address." Patrick does not teach the concept of a list, much less an updatable list. Instead, Patrick teaches how the assigning of an address

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(routing) is implemented at the network layer. Please refer to Patrick at col. 6 lines 7-13 where it states: "Routing is implemented at the network layer (layer 3). Routing depends on assigning an address (or number) to each MAC network, referred to herein as an intermediate network address."

Likewise, Hudson does not teach or suggest an updatable list. Instead Hudson teaches a distribution system whereby the content distribution network coordinates content transfers through a mediation system based on requests issued over a network from requesting computers. Shibata also does not teach the concept of an updatable list. See Shibata at Fig. 3 step 1, the client terminal makes a request to the video management unit to perform the data flow between server and client. The unit (client) receives the video content from the video server in accordance with the HTTP protocol and in accordance with the IP multicast protocol. Also see Shibata, paragraph [0012].

Claim 22 has also been amended to require an intermediate node that is dynamically selected from the clients in the second network. Support can be found in paragraph [0181] "FIG. 4 is a diagram illustrating an embodiment of the present invention in the case where a client serving as the intermediate node is dynamically selected." Moreover, "The client having the maximum throughput is not always selected. Then, the selected client 20b is set as the first intermediate node, to which the first source packet P1 is then transmitted. Moreover, the server 14 monitors throughput changes of the clients continuously at an interval of, for example, around several seconds or less, and dynamically selects the intermediate node from clients having small overheads at each point of time."

The cited references do not teach the concept of an intermediate node between the first network and the second network. Monteiro teaches the concept of a Media Server; however Monteiro fails to teach an intermediate node that is dynamically selected. Monteiro teaches Media Servers which are placed between the primary server and the users in the context of unicast links refer to Fig 3.

The Office Action concedes that "Monteiro does not explicitly teach having a distribution server connected to a first network for providing the digital contents to a second network" but alleges that Patrick provides this deficiency. Applicant respectfully disagrees. Patrick's routing method does not teach or suggest using a distribution network at a first network for providing digital contents to other networks. See Patrick at col. 10, lines 46-49: "continuing to refer to FIG. 8, the operation of a primary node (such as primary station 101) is illustrated for the forwarding of packets from other internetwork hosts to a terminal."

Claim 24 is not unpatentable over the cited references by virtue of its dependence on claim 22. Claim 29 has been amended to require "wherein one of the clients in the second network is dynamically selected as an intermediate node for transmitting a received packet to other clients in the group." This requirement is not taught or suggested by Monteiro. Claim 30 has been amended to require an updatable destination list, which is not taught by the cited references; therefore claim 30 is patentable over the cited references. Claim 31 is not unpatentable over the cited references by virtue of its dependence on claim 30. Claim 32 has been amended to require an updatable list of destination; therefore it is not unpatentable over the cited references. Claim 34 has also been amended to require an updatable list of

destinations; therefore it is not unpatentable over the cited references.

The Office Action rejected claim 23 under 35 USC 103(a) as being unpatentable over Monteiro, Patrick, Hudson, and Shibata as applied to claim 22 above, and further in view of Motles (US 5095444).

Claim 23 is not unpatentable over the cited references by virtue of its dependence on claim 22.

The Office Action rejected claims 25 and 27-28 under 35 USC 103(a) as being unpatentable over Monteiro, Patrick, and Shibata and further in view of Allen (US 20050120131).

Claim 25 has been amended to include the changes explained above in claim 22; therefore it is patentable over the cited references. Allen does not teach the concept of an updatable list or even a list. Instead Allen teaches a control variable which represents a target flow rate from the server device to each client device. Allen, Figures 15 and 16 and paragraph [0018] states "flow modulation methods are those portions of the system which manage the communication data flow between the server and the clients," "these methods provide the multimedia data to the client and provide the server with the information about the state of the transmission."

Claims 27 and 28 are patentable over the cited references at least by virtue of their dependence on claim 25.

The Office Action rejected claim 26 under 35 USC 103(a) as being unpatentable over Monteiro, Patrick, Shibata, and Allen as applied to claim 25 above, and further in view of

Motles.

Claim 26 is patentable over the cited references at least by virtue of its dependence on claim 25. Motles does not teach the concept of an updatable list or even a list. Motles teaches how the communication in the network interconnecting a source node, a destination node and a plurality of intermediate nodes is based on transmission delays. The method taught by Motles comprises a step of requesting a response from the destination node and determining a transmission delay along the route. Refer to Motles, col. 1, lines 55-65.

For the foregoing reasons, Applicant respectfully requests allowance of the pending claims. The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 50-0510.

Respectfully submitted,

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